GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

WRD – WP No.32522/1997 filed by Sri R.Alluri Raju, Work Inspector and 149 others and WP No.7428/2008 filed by Sri M.Prasad and 11 others, Dam Maintenance Circle, Srisailam Project, Kurnool District – Permission to reinstate the petitioners with continuity of service as per the orders of Hon'ble High Court orders dt:18.3.2008 in WP No.32522/1997 – Orders issued in G.O.Ms.No.241 I&CAD Dept. Dt:29.8.2009 – Further orders Issued.

WATER RESOURCES (SER.IV) DEPARTMENT

G.O.MS.No. 59 Dated: 27-09-2017
Read the following:

1. From A.P.High Court order dt:18.3.2008 in WP No.32522/1997
2. From the AP High Court, Interim orders, dt:16-10-2008 in WA MP No.2382/2008 in WA No.520/2008 in WP No.32522/1997
3. From the AP High Court interim orders dt:23-10-2008 in WPMP No.9772/2008 in WP No.7428/2008.
4. G.O.Ms.No.241 I&CAD(Ser.V.2) Department, dt:29.8.2009
5. From the High Court common judgement dt: 25-10-2013 in WA No.393/2004 and 520/2008 and WP No.s 24024 and 24025/2010.
6. From the High Court orders dt;7.7.2017 in CC No.1337/2014
7. From the Superintending Engineer, Dam Maintenance Circle, NSRSSP, Kurnool Lr. No. SE/DMC/AB/AC-2/CF/Camp.1 CE Dated:18.08.2017.

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ORDER:

Sri R.Alluri Raju, Work Inspector and (149) other workers of NSRS Srisailam Project who were retrenched earlier have filed W.P.No.32522/1997 for posting them in the regular NMR Work Charged Establishment of NSRSSP Dam Maintenance Circle and to regularise their services with back wages and other benefits.

2. In the reference 1st read above, the Hon'ble High Court of A.P. in its order dated:18.3.2008 have disposed off the W.P.No.32522/1997 with the following directions:-

> "In view of the above, following the judgment rendered in W.P.No.10045 of 1998 dated:29-08-2003, this Writ Petition is disposed of directing the respondents to reinstate the petitioners into service with continuity of service, but without any back wages and attendant benefits. There shall be no order as to costs."

3. In the reference 2nd read above, Hon'ble High Court in its interim orders dt:16-10-2008 in WA MP No.2382/2008 in WA No.520/2008 in WP NO.32522/1997 have disposed off the petition with the following directions:-

> "On 4-9-2008, only after hearing the learned Advocates, Interim relief, which had been granted earlier was ordered to be continued. In the circumstances, we do not see any reason to modify the said order. It is however, clarified that if there is work which can be done by daily wagers, it would open to the respondent – employer to employ any of the petitioners, either on temporary basis or on daily wage basis, instead of engaging new daily wager. It is also clarified that no right of whatsoever type would accrue to a petitioner who is engaged as a daily wager during the pendency of this appeal. The petition stands disposed off. Post this appeal along with WA No.393 of 2004."

(PTO)

4. In the reference 3rd read above, Hon'ble High Court in its interim orders dt:23-10-2008 in WPMP No.9772/2008 in WP No.7428/2008 filed by Sri M.Prasad and 11 other workers of NSRSSP have passed the following orders:

> "In a similar matter, being WA No.520/2008, interim orders were passed by a Division Bench of this court.
>
> Following the same, if there is work which can be done by daily wagers, it is open to the respondent employer to employ the petitioners, either on temporary basis or on daily wages basis, instead of engaging new daily wagers. However, it is also clarified that no right of whatsoever type would accrue to the petitioners, who are engaged as daily wager during the pendency of the Writ Petition. Post the Writ Petition along with WA No.520/2008."

5. In the reference 4th read above, Government after due examination had permitted the Chief Engineer, NSRSSP, Hyderabad to employ the said (137) petitioners in both the W.P.No.32522/1997 and WP No.7428/2008 on daily wage basis in compliance of the interim orders of Hon'ble High Court in WAMP No.2382/2008 in WA No.520/2008 dated:16-10-2008 and in WPMP No.9772/2008 in WP No.7428/2008 as follows:

> **"if there is work to engage them instead of engaging a new daily wagers if the petitioners are willing to work with a condition that no right of whatsoever type would accrue to them, who are engaged as daily wagers during the pendency of the Writ Appeal No.520/2008 and Writ Petition No.7428/2008".**

6. In the reference 5th read above, the Hon'ble High Court in its common judgement in WA No.393/2004 and 520/2008 and WP Nos 24024 and 24025 of 2010 dated:25-10-2013 filed by the Department, held that,

> **"Having regard to the facts and circumstances of the case and keeping in mind various directions of the Apex Court, we do not find any illegality or irregularity in the impugned order which we uphold accordingly. Consequently we do not see any merit in the Writ Appeals which are liable to be dismissed. The Special Leave Petitions (CC) No(s) 16799-16802/2014 filed against the above common judgement of the High Court dt:25.10.2013 are also dismissed by the Hon'ble Supreme Court of India by its order dated:31.10.2014".**

7 The petitioners have filed CC No.1337/2014 in W.P.No.32522/1997 for non implementation of orders in the WP No.32522/1997. In this connection, the Government Pleader for I&CAD, High Court has opined that the orders of the High Court have complied to the extent that they are reinstate into service, **but not given continuity of service** to the petitioners as per the court order and therefore advised to comply with the orders of Hon'ble High Court.

8. In response to the court orders, the Superintending Engineer, Dam Maintenance Circle, NSRSSP vide reference 7th read above has submitted that the petitioners were taken to rolls as per the orders contained in G.O.Ms.No.241 I&CAD(Ser.V) Department, dated:29.8.2009 only for reinstatement, and are being continued on rolls with wages as per SSR till they attain the age of superannuation of (60) years, duly effecting the recovery of EPF. He has also stated that in the G.O.Ms.No.241, dt:29.8.2009 it has not been mentioned about continuity of service of the petitioners. He has requested for issuing orders for continuity of service with effect from 06.10.1987 (i.e. the date on which the petitioners were ceased from the rolls), but without any back wages and attendant benefits to comply with the Hon'ble High Court orders dt:18.3.2008 in WP No.32522/1997.

9. In the circumstances stated above, and after careful examination of the matter, Government, is hereby permitted the Chief Engineer (Projects), Kurnool and the Superintending Engineer, Dam Maintenance Circle, NSRSSP, Kurnool to take action **to reinstate the petitioners into service with continuity of service w.e.f.6.10.1987 i.e. the date on which the petitioners were ceased from rolls, but without any back wages and attendant benefits to comply with the Hon'ble High Court orders dt:18.3.2008 in WP No.32522/1997 and Hon'ble Supreme Court orders in SLP CC No.16799-16802/2014 dt:31.10.2014 filed by the Department.**

10. The Chief Engineer (Projects), WRD Kurnool and the Superintending Engineer, Dam Maintenance Circle, NSRSSP, Kurnool shall take necessary action accordingly.

11. This order issues with the concurrence of Finance (HRM.III) Department vide their U.O.No.32026/97/A2/HR.III/2017, Dated:7.9.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Chief Engineer (Projects), Water Resources Department,
RS Road, Kurnool
The Superintending Engineer, Dam Maintenance Circle, NSRSSP,
Srisailam Dam East, Kurnool
Copy to:
The Engineer-in-Chief (IW) WRD, Currency Nagar, Vijayawada (for n/a)
The Finance (HRM.III) Department
SF/SC

//Forwarded: By Order//

SECTION OFFICER